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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bolivia (Plurinational State of), Brunei Darussalam, Comoros, Cuba, Djibouti, Ecuador, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Venezuela (Bolivarian Republic of) and State of Palestine: draft resolution

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 70/87 of 9 December 2015, and the relevant resolutions of the Human Rights Council, including resolutions S-12/1 of 16 October 2009,[4] S-21/1 of 23 July 2014[5] and 29/25 of 3 July 2015,[6]

[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] Resolution 217 A (III).
[3] Resolution 2200 A (XXI), annex.
[4] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53A* (A/64/53/Add.1), chap. I.
[5] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. VI.

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Recalling also the relevant resolutions of the Security Council,

Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[7] and recalling in this regard its resolution ES-10/15 of 20 July 2004,

Recalling the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and on 17 December 2014[8] by the Conference of High Contracting Parties to the Fourth Geneva Convention, and welcoming initiatives by States parties, both individually and collectively, according to article 1 of the Convention and aimed at ensuring respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also its resolution 58/292 of 6 May 2004,

Taking note of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[9]

Taking note also of Human Rights Council resolution 31/36 of 24 March 2016,[10]

Convinced that occupation itself represents a gross and grave violation of human rights,

Noting with deep regret the onset of the fiftieth year of the Israeli occupation, and stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution for the question of Palestine,

Recognizing that the occupation and ensuing persistent and systematic violations of international law by Israel, including international humanitarian and human rights law, are considered to be the main sources of other Israeli violations and discriminatory policies against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the continuing detrimental impact of ongoing unlawful Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in the death and injury of civilians and the widespread destruction of property and vital infrastructure, including during the Israeli military operations in the Gaza Strip in July and August

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[7] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.

[8] See A/ES-10/273 and Corr.1.

[9] A/69/711-S/2015/1, annex.

[10] A/HRC/22/63.

[10] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

2014, as well as ongoing settlement activities and construction of the wall, the internal forced displacement of civilians, the imposition of collective punishment measures, particularly against the civilian population in the Gaza Strip, where continuing severe restrictions on movement amount to a blockade, and the detention and imprisonment of thousands of Palestinians,

Expressing grave concern about tensions, instability and violence in the Occupied Palestinian Territory, including East Jerusalem, due to the illegal policies and practices of Israel, the occupying Power, including in particular provocations and incitements regarding the holy places of Jerusalem, including the Haram al-Sharif,

Gravely concerned about all acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians and properties, including homes, mosques, churches and agricultural lands,

Gravely concerned also by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the military operations in the Gaza Strip between December 2008 and January 2009, including the findings in the summary by the Secretary-General of the report of the Board of Inquiry[11] and in the report of the United Nations Fact-Finding Mission on the Gaza Conflict,[12] and reiterating the necessity for serious follow-up by all parties to the recommendations addressed to them towards ensuring accountability and justice,

Deploring the killing and injury of thousands of civilians, including women and children, during the military operations in the Gaza Strip in July and August 2014,

Taking note of the report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1,[13] and stressing the imperative of ensuring accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[14] and the relevant reports of the Secretary-General,[15]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[16] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Stressing the urgency of bringing a complete end to the Israeli occupation that began in 1967 and thus an end to the violation of the human rights of the Palestinian people, and of allowing for the realization of their inalienable human rights, including their right to self-determination and their independent State,

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[11] See A/63/855-S/2009/250.
[12] A/HRC/12/48.
[13] A/HRC/29/52.
[14] A/71/352.
[15] A/71/321, A/71/392, A/71/315, A/71/355 and A/71/364.
[16] A/48/486-S/26560, annex.

Taking note of the application of Palestine for admission to membership in the United Nations, submitted on 23 September 2011,[17]

Recalling its resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded non-member observer State status in the United Nations, and taking note of the follow-up report of the Secretary-General,[18]

Noting the accession by Palestine to several human rights treaties and the core humanitarian law conventions, as well as other international treaties,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its impartiality and efforts in performing the tasks assigned to it by the General Assembly in spite of the obstruction of its mandate;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate, in accordance with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate, and deplores the continued lack of cooperation in this regard;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;[14]

4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, particularly in the Gaza Strip, as a result of unlawful Israeli practices and measures, and especially condemns and calls for the immediate cessation of all illegal Israeli settlement activities and the construction of the wall, the lifting of the blockade of the Gaza Strip, as well as a complete cessation of the excessive and indiscriminate use of force and military operations against the civilian population, settler violence, the destruction and confiscation of properties, including home demolitions as a measure of reprisal, the forced displacement of civilians, all measures of collective punishment, and the detention and imprisonment of thousands of civilians;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories, including prisoners and detainees, are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

[17] A/66/371-S/2011/592.

[18] A/67/738.

7. *Further requests* the Special Committee to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and expresses grave concern about harsh conditions and ill-treatment of prisoners and recent hunger strikes, stressing the need for respect for all applicable rules of international law, including the Fourth Geneva Convention,[7] the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[19] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);[20]

8. *Requests* the Secretary-General:

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To utilize his good offices to facilitate and support the Special Committee in carrying out its mandate;

(c) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(d) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(e) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(f) To report to the General Assembly at its seventy-second session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its seventy-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

[19] Resolution 70/175, annex.
[20] Resolution 65/229, annex.